



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

September 7, 2000

H.R. 238

A bill to amend section 274 of the Immigration and Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed

As ordered reported by the House Committee on the Judiciary on July 25, 2000

SUMMARY

H.R. 238 would establish mandatory minimum prison sentences for certain crimes involving the transportation of illegal aliens into the United States. Assuming appropriation of the necessary amounts, CBO estimates that implementing the bill would cost \$160 million over the next five years to accommodate more prisoners in federal prisons. Enacting H.R. 238 would affect direct spending and receipts, so pay-as-you-go procedures would apply, but CBO estimates that any such effects would be less than \$500,000 annually.

H.R. 238 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The following table summarizes the estimated budgetary impact of H.R. 238. The costs of this legislation fall within budget function 750 (administration of justice).

	By Fiscal Year, in Millions of Dollars					
	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
Spending for Prison Construction and Operations Under Current Law						
Estimated Authorization Level ^a	3,669	3,809	3,926	4,046	4,168	4,292
Estimated Outlays	3,463	3,677	3,822	3,973	4,110	4,246
Proposed Changes						
Prison Operations						
Estimated Authorization Level	0	1	8	14	17	20
Estimated Outlays	0	1	8	14	17	20
Prison Construction						
Estimated Authorization Level	0	0	100	0	0	0
Estimated Outlays	0	0	10	40	45	5
Total						
Estimated Authorization Level	0	1	108	14	17	20
Estimated Outlays	0	1	18	54	62	25
Spending for Prison Construction and Operations Under H.R. 238						
Estimated Authorization Level ^a	3,669	3,810	4,034	4,060	4,185	4,314
Estimated Outlays	3,463	3,678	3,840	4,027	4,172	4,271

a. The 2000 level is the amount appropriated for that year. The estimated authorization levels for 2001 through 2005 reflect CBO baseline estimates, assuming adjustments for inflation. Without such adjustments, the current-law amounts would remain at about \$3.7 billion a year, and the bill's effects on prison operations would be about \$7 million lower over this period.

BASIS OF ESTIMATE

For this estimate, CBO assumes that the bill will be enacted near the start of fiscal year 2001, and that the necessary funds for prison operating costs will be appropriated at or near the beginning of each fiscal year.

Spending Subject to Appropriation

Prison Operations Costs. According to the U.S. Sentencing Commission, the bill's provisions would increase the average prison sentence for the relevant offenses from 12 months to 34 months. The commission estimates that the longer sentences required by

H.R. 238 would increase the prison population by about 1,900 prisoners a year by fiscal year 2005. In 2000, the annual cost to detain a federal prisoner is about \$9,000. CBO estimates that the cost to support additional prisoners under this bill would be about \$60 million over the 2001-2005 period.

Prison Construction Costs. It is likely that an additional federal prison would be needed to house the number of prisoners detained in federal facilities that would be added by this bill. Based on information from the Bureau of Prisons, CBO estimates that construction of a new prison for this purpose would begin in 2002 and total costs would be about \$100 million over the 2002-2005 period, subject to the availability of appropriated funds, for a facility with a capacity of 1,150 prisoners.

Direct Spending and Revenues

Because those prosecuted and convicted under H.R. 238 could be subject to greater criminal fines, the federal government might collect additional fines if the bill is enacted. Collections of such fines are recorded in the budget as governmental receipts (revenues), which are deposited in the Crime Victims Fund and spent in subsequent years. CBO expects that any additional receipts and direct spending as a result of enacting this bill would not be significant.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. Pay-as-you-go procedures would apply to H.R. 238, but CBO estimates that any changes in direct spending or receipts would be less than \$500,000 for each year.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

The bill contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect state, local, or tribal governments.

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